In the claims:

1. (**Currently Amended**) A nucleic acid **present in other than its natural environment** having a sequence **identity** of **at least 95% with SEQ ID NO:17, wherein said nucleic acid encodes a chromo- or fluorescent protein** ~~residues that is substantially the same as or identical to a nucleotide sequence of at least 10 residues in length of SEQ ID NOS:01, 03, 05, 07, 09, 11, 13, 15, 17, 19, 21, 23, 25 or 27~~.

2. (**Currently Amended**) The nucleic acid according to Claim 1, wherein said nucleic acid has a sequence **of SEQ ID NO:17** ~~similarity of at least about 60% with a sequence of at least 10 residues in length of SEQ ID NOS: 01, 03, 05, 07, 09, 11, 13, 15, 17, 19, 21, 23, 25 or 27~~.

3.-8. (**Canceled**)

9. (**Currently Amended**) A construct comprising a vector and [[a]] **the** nucleic acid according to Claim 1.

10. (**Currently Amended**) An expression cassette comprising:

(a) a transcriptional initiation region functional in an expression host;

(b) [[a]] **the** nucleic acid according to Claim 1; and

(c) and a transcriptional termination region functional in said expression host.

11. (**Currently Amended**) A cell, or the progeny thereof, comprising [[an]] **the** expression cassette according to Claim 10 as part of an extrachromosomal element or integrated into the genome of a host cell as a result of introduction of said expression cassette into said host cell.

12.-18. (**Canceled**)

19. (**Currently Amended**) A kit comprising [[a]] **the** nucleic acid according to Claim 1 and instructions for using said nucleic acid.

20. (**New**) The nucleic acid according to Claim 1, wherein said nucleic acid is isolated.

21. (**New**) The nucleic acid according to Claim 1, wherein said protein has an absorbance maximum ranging from about 300 to 700 nm.

22. (**New**) The nucleic acid according to Claim 1, wherein said protein has an absorbance maximum ranging from about 350 to 650 nm.

23. (**New**) The nucleic acid according to Claim 1, wherein said protein has an absorbance maximum ranging from about 400 to 600 nm.

24. (**New**) The nucleic acid according to Claim 1, wherein said protein has an excitation spectrum ranging from about 300 to 700 nm and an emission spectrum ranging from about 400 to 800 nm.